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5 Attorney for Plaintiff,
 TAMARA WILLIAMS

6 **UNITED STATES DISTRICT COURT**
 7 **DISTRICT OF NEVADA**

8 TAMARA WILLIAMS,

Case No. 2:22-cv-864

9 Plaintiff,

10 v.
COMPLAINT FOR COPYRIGHT
INFRINGEMENT

11 BIKINI.COM, LLC; and DOES 1 through
 10 inclusive,

12 Defendants.

13

14 **JURISDICTION AND VENUE**

15 1. This is a civil action seeking damages and injunctive relief for
 16 copyright infringement under the Copyright Act of the United States, 17 U.S.C. §
 17 101 *et seq.*

18 2. This Court has subject matter jurisdiction over Plaintiff's claims for
 19 copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

20 3. This court has personal jurisdiction over Defendants because
 21 Defendants' acts of infringement complained of herein occurred in the state of
 22 Nevada, Defendants' acts of infringement were directed towards the state of
 23 Nevada, Defendants caused injury to Plaintiff within the state of Nevada, and
 24 Defendants have a physical presence in the state of Nevada.

25 4. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and
 26 1400(a) in that this is the judicial district in which substantial part of the acts and
 27 omissions giving rise to the claim occurred.

PARTIES

5. Plaintiff Tamara Williams is an individual and professional photographer.

6. Defendant Bikini.com LLC is an entity organized under the laws of the state of Nevada.

7. Plaintiff is unaware of the true names and capacities of the Defendants sued herein as DOES 1 through 10, inclusive, and for that reason, sues such Defendants under such fictitious names. Plaintiff is informed and believes and on that basis alleges that such fictitiously named Defendants are responsible in some manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were proximately caused by the conduct of said Defendants. Plaintiff will seek to amend the complaint when the names and capacities of such fictitiously named Defendants are ascertained. As alleged herein, "Defendant" shall mean all named Defendants and all fictitiously named Defendants.

FACTUAL ALLEGATIONS

8. Tamara Williams (“Williams”) is a highly successful freelance photographer specializing in beauty and fashion photography. Williams is most well-known for her natural and clean model portraiture featured on her highly popular Instagram account @tamarawilliams, which has amassed over 600,000 followers.

9. Williams' work has been featured in top publications such as *Vogue*, *Harper's Bazaar*, *Marie Claire*, *Elle*, *L'Officiel*, *Glamour*, *Cosmopolitan*, *Maxim*, and many more.

10. Williams is the author and sole rights holder of four photographs of beauty models (“Photographs”).

11. True and correct copies of the Photographs are attached hereto as Exhibit A.

12. Williams registered the Photographs with the United States Copyright Office under registrations VA 2-248-051, VA 2-130-596, VA 2-178-320, and VA 2-116-919.

13. Defendant Bikini.com LLC (“Bikini.com”) is the owner and operator of www.bikini.com, an “online boutique features a curated collection of swimwear, accessories, and beauty products.” See <https://www.bikini.com/pages/about-us>.

14. Bikini.com markets its business through social media including through the Instagram account @bikinidotcom.

15. The @bikinidotcom Instagram page has over 200,000 followers.

16. On or about July 2020, Williams began to discover her Photographs being used without her permission in various posts made by the @bikinidotcom account (“Posts”).

17. True and correct copies of the Posts are attached hereto as Exhibit B

18. Williams is informed and believes that the purpose of the Posts was the increase followers to the @bikinidotcom Instagram account in order to drive traffic to www.bikini.com.

19. Williams did not consent to the use of her Photographs by Bikini.com on its Instagram account.

20. Williams is informed and believes that Bikini.com knew that the Photographs were authored by Williams, and that its use of the Photographs was knowing and willful.

**FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT
17 U.S.C. § 101 *et seq.***

21. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

22. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original Photographs by Defendant.

23. Plaintiff is informed and believes and thereon alleges that said

Defendant willfully infringed upon Plaintiff's copyrighted Photographs in violation of Title 17 of the U.S. Code, because, *inter alia*, the Defendant knew or should have known that it did not have authorization to use the Photographs in the Posts.

24. As a result of Defendant's violation of Title 17 of the U.S. Code, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000 for each infringement pursuant to 17 U.S.C. § 504(c).

25. As a result of the Defendant's violations of Title 17 of the U.S. Code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendant.

26. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. Defendant and its officers, agents, servants, employees, and representatives, and all persons in active concert or participation with Defendant be permanently enjoined from copying, reproducing, displaying, promoting, advertising, distributing, or selling, or any other form of dealing or transaction in the any of Plaintiff's copyrighted works;

2. Actual damages and disgorgement of all profits derived by Defendant from its acts of copyright infringement pursuant to 17 U.S.C. §§ 504 (a)(1), or in the alternative and at Plaintiff's election, statutory damages for copyright infringement, including willful infringement, in accordance with 17 U.S.C. §§ 504(a)(2) and (c);

3. Reasonable attorneys' fees incurred herein pursuant to 17 U.S.C. § 505 or otherwise available by law;

4. Costs and interest pursuant to 17 U.S.C. §§ 504 (a)(1) and (b), 17 U.S.C. § 505, or otherwise available by law;

1 5. Prejudgment interest on all amounts owed; and
2 6. Any such other and further relief as the Court may deem just and
3 appropriate.

4 Dated: May 31, 2022

5 Respectfully submitted,

6 /s/ **Mathew K. Higbee**
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14 *Attorney for Plaintiff*

DEMAND FOR JURY TRIAL

Plaintiff, Tamara Williams hereby demands a trial by jury in the above matter.

Dated: May 31, 2022

Respectfully submitted,

/s/ Mathew K. Higbee
Mathew K. Higbee, Esq.
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